

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EMILY MACUT,

Plaintiff,

v.

WABASH NATIONAL CORP., et al.,

Defendants.

Case No. 1:22-cv-00231-JLT-CDB

ORDER VACATING OCTOBER 17, 2022,
MINUTE ORDER AND WITHDRAWING
REFERRAL OF MOTION TO REMAND

(Doc. 26)

On October 14, 2022, the Court received a stipulation indicating that all parties appearing thus far in this matter consent to have the pending motion to remand (Doc. 11) heard and decided by the assigned magistrate judge. (Doc. 25.) However, the stipulation acknowledges that Defendant MP Trans Inc. has been served but has not yet appeared “pursuant to an agreement with Plaintiff’s counsel, contingent on the anticipated ruling on the Plaintiff’s motion to remand.” (*Id.* at 2.) Another defendant, Willie Boyd, has not yet been served. (*Id.*) Limited consent is not complete because not all the “parties” have signed onto the stipulation. *See Williams v. King*, 875 F.3d 500, 503-04 (9th Cir. 2017) (“[A]ll plaintiffs and defendants named in the complaint are ‘parties’ within the meaning of § 636(c)(1)—irrespective of whether the complaint has been properly served” and all parties, including unserved defendants, must consent to the jurisdiction of a magistrate judge before magistrate judge may issue dispositive ruling).

1 Accordingly, the Court **VACATES** its October 17, 2022, Minute Order (Doc. 26) and
2 **WITHDRAWS** the referral of the motion to remand (Doc. 25). This decision is without prejudice
3 to the parties curing the insufficient stipulation.

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5 IT IS SO ORDERED.
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Dated: October 18, 2022


UNITED STATES DISTRICT JUDGE

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